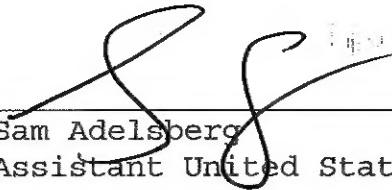


Approved:


Sam Adelsberg
Assistant United States Attorney

Before: HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

- - - - - X
UNITED STATES OF AMERICA : COMPLAINT
: Violation of 18 U.S.C.
- v. - : §§ 2252A and 2
: COUNTY OF OFFENSE:
GARY PAMPERIEN, : DUTCHESS
Defendant. : 19 mj 9970
: X

SOUTHERN DISTRICT OF NEW YORK, ss.:

TIMOTHY J. REILLY, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and charges as follows:

COUNT ONE
(Possession of Child Pornography)

1. From at least in or about August 2017 through December 2018, in the Southern District of New York and elsewhere, GARY PAMPERIEN, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, PAMPERIEN accessed and viewed child pornography from a fee-based members only website on various occasions.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2), and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with HSI, currently assigned to a squad that investigates child exploitation crimes. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials and others, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Investigation of "WEBSITE M"

3. Based on my review of law enforcement reports and my conversations with other law enforcement officers, including officers from the Phoenix HSI office ("HSI Phoenix") I have learned the following:

a. In March 2012, HSI Phoenix initiated an investigation into a password-protected, fee-based website, identified herein as "Website M,"¹ following an interview with a Website M user ("S1") in connection with a separate child exploitation investigation. S1 allowed HSI agents to assume S1's online identity on Website M and provided agents with S1's username and password.²

¹ Law enforcement knows the actual name of Website M. However, the investigation into users of Website M remains ongoing, and public disclosure of Website M's actual name would potentially alert its members to the investigation, likely provoking members to notify other members of the investigation, to flee, and/or to destroy evidence. Accordingly, to preserve the confidentiality and integrity of the ongoing investigation, the actual name and other identifying details of Website M remain undisclosed in this complaint.

² S1 provided law enforcement agents with the web address for Website M and S1's login information to Website M but S1 has not provided sufficient information to law enforcement to understand how S1 originally obtained the web address or login information for Website M.

b. A user can only locate and access Website M if the user knows its current web address. Once the user enters the correct web address, a box appears that requires the user to enter a "user name" and "password." The user cannot access the site without first entering that information. Once the user enters a valid username and password, Website M's home page appears. The opening page depicts nude anime (i.e., drawings, sketches or cartoons) lasciviously displaying their genitals.

c. Several Website M members have told law enforcement agents that they received an e-mail message inviting them to join Website M after they had purchased child erotica from another website. Following that purchase, they received a sample image of hardcore child pornography along with the question "Are you interested in seeing more of this?" When they clicked "yes," Website M sent them another email with instructions of how to access and join the website.

d. After gaining access to Website M using S1's user name and login, HSI Phoenix Agents determined that the website advertises files of child pornography for purchase. Once logged in as a member, the user can view the names of folders available for purchase, which contain previews or samples of images contained in the folders. As of March 2012, the website advertised that it offered 600,000 images and 400 hours of video. Such images and videos are organized into folders, the contents of which can be accessed after downloading them by purchasing a password. At all times relevant to this investigation, Website M hosted its content on a server physically located outside of the United States.

e. Throughout HSI's investigation, Website M has typically charged between \$40 and \$110 to purchase the password for encrypted archive files containing multiple images and/or videos of child pornography and child erotica. Most archive files cost \$89. Once downloaded, the user can "decrypt" the selected archive file by entering in the purchased password to reveal multiple images and/or video files. Phoenix HSI Special Agents have made undercover purchases or accessed several archive files available for purchase, which revealed that most of the archive files contained between 500 and 2,000 image and/or video files, the majority of which, based on the agents' training and experience, they determined to be child pornography.

f. Investigating agents also found that Website M allows members to preview "samples" of the images/videos contained

in an archive folder prior to purchase. Investigating agents visited Website M and previewed more than 100 sample folders. Agents found that most of the images and videos found in the sample or preview folders depicted apparent minors, and many depicted what appeared to be pre-pubescent minors engaged in sexual activity with adults and/or posed in a sexually explicit manner.

g. Over the course of their investigation, which has involved previewing "samples" and then downloading multiple archive files via Website M, investigating agents have found that the "sample" images and/or video screenshots corresponded to the full sets of image and video files contained in downloaded archive files.

h. After selecting an archive file for purchase, the member pays for its password via credit card. Website M then automatically sends an email to the member with the encryption password for the archive. The member must first download the archive file to a digital device and enter that password to decrypt and de-compress it.

Undercover Purchases Confirmed Website M Sells Child
Exploitative Material

i. As noted above, see *supra* ¶ 3a, HSI obtained membership information to Website M via a consensual takeover of S1's account. Between April 2014 and May 2017, investigating agents made multiple undercover purchases of archive files from Website M.

j. For example, in April 2014, investigating agents (posing as S1) successfully downloaded archive files from Website M. Review of the de-compressed image files, based upon an analysis of hash values, determined that the purchased files included video and image files from a series of images that the National Center for Missing and Exploited Children has identified and verified to depict a pre-pubescent minor child who appears to be less than ten years of age at the time the image was made. Purchased files included the following: "180-2.AVI 9Yo Jenny licked by dog. 16min./with sound." The screenshot for this video depicts a nude, blindfolded, prepubescent female who appears to be less than ten years of age lying on her back while a dog licks her genitals. Over twenty additional pictures from the same series were included, such as an image of the same nude prepubescent female performing oral sex on a dog.

Financial Records Linked to Website M

k. On or about May 26, 2017, an HSI Phoenix agent, working in an undercover capacity, purchased an archive file from Website M titled "SIBERIAN MOUSE #36." This file was selected because it was listed on the opening page as being newly added (as of January 2017) and agents verified the images within the sample folder contained images depicting apparent minors engaged in sexually explicit conduct. When the investigating agent purchased the "SIBERIAN MOUSE #36" file, the agent received a confirmation email through a payment processor based in the United States that stated, "Your order is currently being processed."

l. HSI agents investigated the link between the U.S. based payment processor and Website M. Investigating agents identified the U.S. company as both a payment processor and online business management tool used by Website M (the "Payment Processor").

4. I reviewed data provided by the Payment Processor pursuant to a subpoena relating to business transactions with and on behalf of Website M. Based on my review of this data, I have learned that the payment processor content contained a purchase record from November 19, 2017 for "Gary Pamperien" at the address "150 Lake Dr" in "Rhinebeck[,] NY" (the "Purchase Address"). An email was listed for the entry as egpamp@hotmail.com (the "Pamperien Account"). A phone number ending in 9050 (the "Pamperien Number") was also included. The entry also contained the file "JAVA SCRIPT 114". I reviewed a sample of images corresponding to the file name contained in the above purchase records and determined that "JAVA SCRIPT 114" contained images depicting minors engaging in sexually explicit conduct.

5. Review of the de-compressed image files of JAVA SCRIPT 114, based upon an analysis of hash values, determined that the purchased files included image files from a series of images that the National Center for Missing and Exploited Children has identified and verified to depict victims of child pornography.

Files Received from Copied Server

6. Based on my review of law enforcement reports and my conversations with other law enforcement officers, including officers from HSI Phoenix, I have learned that in March 2018, through a Letter Rogatory request, HSI obtained an updated imaged copy of the server used to host Website M (the "Website M Server"). A computer forensic agent verified that the Website M Server

contained child pornography and child exploitive material for Website M.

7. I reviewed the returns from the Website M Server and identified a purchaser that appears to be GARY PAMPERIEN, the defendant. Specifically, the server content contained 35 logins by an individual with the username egpamp45x. The logins begin in or about January 2017 and end in or about February 2018. The IP address used for the logins between May 2017 and October 2017 resolved to a non-profit educational retreat center in Rhinebeck, New York (the "Retreat Center").

Identification of the Defendant

8. I have reviewed a website that appears to be the massage therapy site for GARY PAMPERIEN, the defendant. The "About the Practitioner" section of the website (<http://yogagi.massagetherapy.com/about-the-practitioner>) states "Gi Pamperien, RN, LMT is trained and experienced in a wide variety of healing bodywork modalities, from traditional/Swedish massage to Thai massage and Shiatsu; from western medical to eastern metaphysical traditions. He has been trained by the United Centers for Spiritual Living as a professional Practitioner." The Pamperien Account is also listed at the bottom of the page, as is the Pamperien Number.

9. I have reviewed a Twitter account (the "Twitter Account") with the username "Gi gary Pamperien." The account lists @yogagi as its handle and the Retreat Center as its location. Alongside the username is an image of an individual with long hair and a beard that, based on a comparison with a photo from a law enforcement database, appears to be GARY PAMPERIEN, the defendant.

10. Based on my review of publicly available information, I know that the Purchase Address from Website M is also the address of the Retreat Center in Rhinebeck, New York.

11. I also reviewed a social media posting posted by the CreationsofGIPhotography Facebook account. The image on the account appears to be an image of GARY PAMPERIEN, the defendant. In the personal information section, the account states "Ii [sic] came to the Hudson Valley to work and live at the [Retreat Center] in 2006. I am a body worker and yoga teacher who loves the quieter side of life."

Search of the Pamperien Account

12. Pursuant to a search warrant issued on or about February 14, 2019 by the Honorable Lisa Margaret Smith, U.S. Magistrate Judge in the Southern District of New York, I have reviewed the contents of the Pamperien Account and learned the following, among other things:

a. The Pamperien Account appears to be used by GARY PAMPERIEN, the defendant, for his yoga and massage practice.

b. In addition to purchasing access to the archive file named "JAVA SCRIPT 114," see supra ¶ 4, PAMPERIEN purchased access to a number of other archive files from Website M, including files named "AJAX SCRIPT 75," "JAVA SCRIPT 63," "JAVA SCRIPT 70," and "JAVA SCRIPT 73." PAMPERIEN purchased these files over a period of 16 months—from on or about August 15, 2017 through on or about December 3, 2018.

c. Based on my review of these archive files on the Updated Website M Server, I know that each of the files contain thousands of image files. Based on my review of these image files, I have confirmed that the archive files all contain images depicting minors engaging in sexually explicit conduct. For example, the following are a sampling of images from the most recent download, JAVA SCRIPT 73, purchased by PAMPERIEN on or about December 3, 2018:

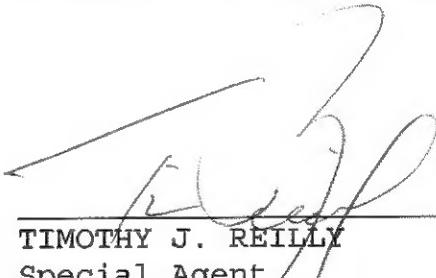
- i. *Isan-012a-056.* Based on my review of this image, it appears to depict a pre-pubescent female posing fully nude against a rock. The child's genitalia are clearly displayed.
- ii. *Isan-012a-068.* Based on my review of this image, it appears to depict a close-up of a pre-pubescent female's genitalia with rosary type beads draped alongside.
- iii. *Isan-012a-073.* Based on my review of this image, it appears to depict a close-up of a pre-pubescent female lying on her back with the camera focused on her genitalia and buttocks.
- iv. *Isan-012a-082.* Based on my review of this image, it appears to depict a pre-pubescent female sitting on a rock with one knee up and one down with her genitalia clearly exposed.

d. Based on my training and experience, each of these images appear to be images of real children, not computer generated images.

e. On or about August 15, 2017, PAMPERIEN received an e-mail message from what appears to be a technical support email address for Website M. The e-mail included a decryption password to access the archive file "AJAX SCRIPT 75". See supra ¶ 3h. On or about August 16, 2017, PAMPERIEN replied to this email, "how do i view these pictures on my Mac computer?" The following day, on or about August 17, 2017, the Website M technical support email address responded, "Extract files through the program KEKA, download here," and included a URL. Based on my training and experience, I believe that, in this exchange, PAMPERIEN was corresponding with a Website M employee about how to access child pornographic material on his computer device.

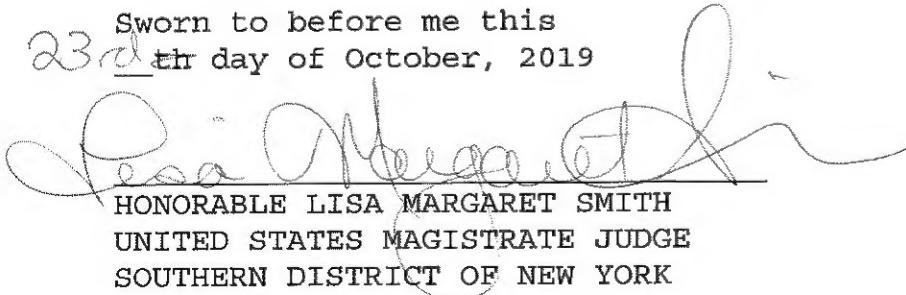
f. Based on my review of additional emails in the PAMPERIEN account, I know that the defendant purchased memberships to at least two other websites that, based on open source searches, appear to be sites containing images of minors engaging in sexually explicit conduct.

WHEREFORE, the deponent respectfully requests that GARY PAMPERIEN, the defendant, be arrested and imprisoned, or bailed, as the case may be.



TIMOTHY J. REILLY
Special Agent
Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
23d th day of October, 2019



HONORABLE LISA MARGARET SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK